

Entered - 06/04/04 - sb
CL04L0356 - DIANNE C. MITCHELL

CLAIM OF: **LOFTS @ THE PARK II,**
through its attorney,
David J. Marmins
14 Piedmont Center, Suite 1100
3535 Piedmont Road, NE
Atlanta, Georgia 30305

04-*R*-1170

For damages alleged to have been sustained as a result of sewer
overflow on April 12, 2004 at 1058 Piedmont Avenue, NE.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 6/29/04

CHAIR: H. G. Smith

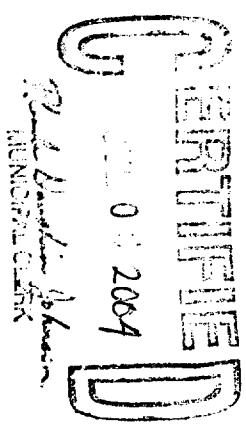
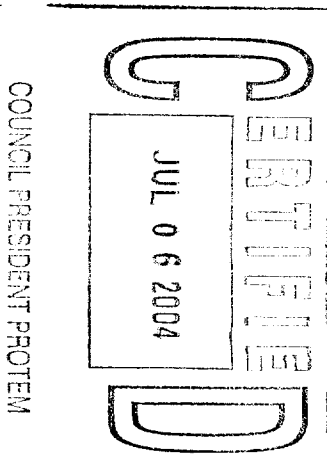
Vannell Morley

Mary Donahoe

C. T. Hawk

Hay Shul

Carla Smith





CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30303
(404) 330-6033
FAX (404) 658-6273

July 20, 2004

David J. Marmins
Attorney at Law
14 Piedmont Center, Suite 1100
3535 Piedmont Road, NE
Atlanta, Georgia 30305

04-R-1170

RE: Lofts @ The Park II

Dear Attorney Marmins:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on July 06, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0356

Date: June 10, 2004

Claimant /Victim LOFTS @ THE PARK II
BY: (Atty.) David J. Marmins
Address: 14 Piedmont Center, Suite 1100, 3535 Piedmont Road, NE, Atlanta, Georgia 30305
Subrogation: Claim for Property damage \$ Not Stated Bodily Injury \$
Date of Notice: 05/25/04 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 04/12/04 Place: 1058 Piedmont Avenue, NE
Department Watershed Management Bureau: Waste Water
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that its property has been damaged by a sewer overflow. However, the claimant has filed a lawsuit to resolve the issues raised in its claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

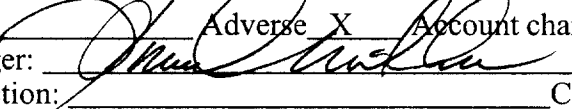
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager:  Concur/date 06/16/04
Committee Action: Council Action

RCS# 5862
7/06/04
1:31 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-9, EXCEPT:04-R-1187
04-R-1179 04-R-1143
ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 0

Y Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
Y Starnes	Y Archibong	Y Muller	Y Maddox	Y Norwood
Y Young	Y Fauver	Y Moore	Y Mosley	Y Willis

CONSENT I

7-06-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1036 2. 04-O-1037 3. 04-O-1038 4. 04-O-1039 5. 04-O-1040 6. 04-O-1041 7. 04-O-1042 8. 04-O-1196 9. 04-O-1013 10. 04-O-1014 11. 04-O-1050 12. 04-O-1054 13. 04-O-1055 14. 04-O-1058 15. 04-R-1152 16. 04-R-1153 17. 04-R-1158 18. 04-R-1193 19. 04-R-1155 20. 04-R-1149 21. 04-R-1150 22. 04-R-1033 23. 04-R-1146 24. 04-R-1148 25. 04-R-1159 26. 04-R-1160 27. 04-R-1161 28. 04-R-1187 29. 04-R-1188 30. 04-R-1189 31. 04-R-1190 32. 04-R-1191 33. 04-R-1192	34. 04-R-1163 35. 04-R-1164 36. 04-R-1165 37. 04-R-1166 38. 04-R-1167 39. 04-R-1168 40. 04-R-1169 41. 04-R-1170 42. 04-R-1171 43. 04-R-1173 44. 04-R-1174 45. 04-R-1175 46. 04-R-1176 47. 04-R-1177 48. 04-R-1179 49. 04-R-1180 50. 04-R-1181 51. 04-R-1182 52. 04-R-1183 53. 04-R-1184 54. 04-R-1185 55. 04-R-1186